

Department of Permits Approvals and Inspections
111 West Chesapeake Avenue
Towson, Maryland 21204
Baltimore County, Maryland

In the Matter of

Civil Citation No. 88488

Henry H Housman
Angela V Housman

5525 Lexington Road

Respondents

FINDINGS OF FACT AND CONCLUSIONS OF LAW
FINAL ORDER OF THE ADMINISTRATIVE LAW JUDGE

This matter came before the Administrative Law Judge on April 5, 2011 for a Hearing on a citation for violations under the Baltimore County Code (BCC). The Respondent was charged with violating §13-7-310, 312; 13-4-201 (b)(d); Baltimore County Zoning Regulations (BCZR) §101, 102.1, 1B01.1, 1B01.1D, 428, 415A, 431: failure to remove all junk, trash and debris, failure to remove all unlicensed/inoperable motor vehicles, failure to provide and use an adequate number of trash cans with tight fitting lids for the storage of refuse between collections on residential property.

On February 24, 2011, pursuant to § 3-6-205, Baltimore County Code, Inspector Charles E Krick issued a Code Enforcement & Inspections Citation. The citation was sent to the Respondent by 1st class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$3,000.00 (three thousand dollars).

The following persons appeared for the Hearing and testified: Mickey Weimer, daughter-in-law of ailing Respondent and Charles Krick, Baltimore County Code Enforcement Officer.

The County's case was presented by Inspector Charles Krick, who testified that on February 23, 2011, he received a complaint via facsimile, concerning an abundance of trash and debris in the yard of the residence at 5525 Lexington Road. Mr. Krick testified that this residence has been the subject of repeated Code Enforcement violations, and that in 2007 a \$500 lien was placed against the property.

Mr. Krick testified that he first inspected the property on January 24, 2011, and indicated that it was a "mess," and that the violator was issued at that time a Correction Notice for having an open dump. The property was inspected again on February 24, 2011, at which time a Code Enforcement citation was issued. Mr. Krick testified that the citation was served by first class mail, and hand delivered to the violators. Mr. Krick testified that he performed a follow up inspection on March 31, 2011, and noted that much of the trash and debris had been removed from the property, but much more remained.

Photographs were submitted and received in evidence which certainly show a marked improvement in the condition of the property, and the undersigned applauds the efforts that the owners have made to bring their property into compliance with the County Code. Even so, trash and debris remains, and the daughter-in-law of the owner, Mickey Weimer, appeared at the Hearing and indicated that she lives on the premises and that things have simply gotten out of hand since one of the owners, Henry Houseman, III died in or about 2007. Ms. Weimer testified that she has made several trips to the County landfill, and Inspector Krick indicated that he would assist Ms. Weimer in obtaining the necessary approvals for making additional deposits to the landfill, beyond that which is typically allowed for a County homeowner.

Having heard the testimony and evidence presented at the Hearing:

IT IS ORDERED by the Administrative Law Judge that a civil penalty be imposed in the amount of \$500.00 (five hundred dollars).

IT IS FURTHER ORDERED that \$300.00 of the \$500.00 civil penalty be suspended, with an immediate \$200.00 fine imposed at this time.

IT IS FURTHER ORDERED that the remaining \$300.00 will be imposed if the property is not brought into compliance by May 2, 2011

IT IS FURTHER ORDERED that the \$300.00 suspended penalty may be imposed if there is a subsequent finding against the Respondent for the same violation.

IT IS FURTHER ORDERED that if not paid within thirty days of billing, the civil penalty shall be imposed and placed as a lien upon the property.

IT IS FURTHER ORDERED that the County inspect the property to determine whether the violations have been corrected.

ORDERED this 8th day of April 2011

Signed: Original Signed 4/8/11
John E Beverungen
Administrative Law Judge

NOTICE TO RESPONDENT: The Respondent is advised that pursuant to §3-6-301(a) of the Baltimore County Code, the Respondent may appeal this order to the Baltimore County Board of Appeals within fifteen (15) days from the date of this order; any such appeal requires the filing of a petition setting forth the grounds for appeal, payment of a filing fee of \$150 and the posting of security in the amount of the penalty assessed.

JEB/jaf